UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/007,807	12/05/2001	Hideyuki Takeda	NAK1-BQ68	8576

21611   7590   08/22/2005

SNELL & WILMER LLP
600 ANTON BOULEVARD
SUITE 1400
COSTA MESA, CA 92626

EXAMINER
BENGZON, GREG C

ART UNIT	PAPER NUMBER
2144	

DATE MAILED: 08/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>05 July 2005</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,3-7,9-20 and 27-32* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,3-7,9-20 and 27-32* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____ .

DETAILED ACTION

This application has been examined. Claims 1, 3-7,9-20, and 27-32 are pending.

Priority

Receipt is acknowledged of a certified copy of the 2000-372072 (JAPAN)

application referred to in the oath or declaration or in an application data sheet.

The effective date of the subject matter claimed in this application is December 6,

2000.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

Claims 1, 3-7, 9-20, and 27-32 rejected under 35 U.S.C. 103(a) as being

unpatentable over Humpleman et al. (US Patent 6546419) hereinafter referred to as

Humpleman, in view of Hanai et al. (US Patent 5557585) hereinafter referred to as

Hanai, further in view of Jackson (US Patent 5963264) .

1.   (Currently Amended) A time managing apparatus that manages times clocked by

a plurality of timer modules in apparatuses connected to each other on a network, the

time managing apparatus comprising:

an information receiving means (Humpleman – Column 24 Lines 35-40) for

receiving presetting information which contains (i) event start time information

(Humpleman – Column 18 Lines 40-60, Column 19 Lines 15-40) that indicates a start

time at which one or more events should be started by two or more apparatuses on the

network, and (ii) module identifier of the timer module (Humpleman – Column 18 Lines

40-60, Column 19 Lines 15-40) and for each event, an apparatus identifier, identifying

the apparatus that should execute the event from outside;

a holding means for holding the presetting information received by the

information receiving means; (Humpleman – Column 24 Lines 35-40)

a time receiving means for receiving the standard time from the timer module

requested by the time requesting means, to transmit the standard time; (Humpleman –

Column 24 Lines 35-40)

an instructing means, responsive to the judging means judging that the event

start time is reached, (Humpleman – Column 10 Lines 50-65, Column 12 Lines 10-25)

for identifying the two or more apparatuses by apparatus identifiers held by the holding

means, and instructing the two or more apparatuses to start executing the one or more

events. (Humpleman – Column 10 Lines 50-65, Column 12 Lines 10-25)

Humpleman discloses of 1) devices in the home network having independent

system clocks, 2) of the possibility of acquiring different clock settings (Column 23

Lines 18, Column 24 Lines 35), and 3) of means of identifying the timer source, 4)

setting the device parameters, such the device clock. (Column 22 Lines 35), and 5)

setting parameters for delayed operation (Column 24 Lines 20-25). The Examiner

notes that Humpleman makes a suggestion towards clock synchronization with the

source information by stating :

' the Timer_record provides interface for set-up data for a controller application
82 to implement delayed time recording. Direct channel tune information and flow
control (time_aparams) information can be utilized.'

However, Humpleman did not disclose the apparatus actively sending requests

to acquire the timer source clock and synchronize the device clocks accordingly.

Humpleman did not disclose continuously receiving the 'standard' time according to the

timer source, and did not disclose of calculation means to determine the difference

between the local time and standard time.

With respect to Claims 1, Humpleman did not disclose a time requesting means

for requesting a timer module to transmit a standard time; and the time requesting

means requests the timer module having the module identifier to transmit the standard

time. Furthermore Humpleman did not disclose of a judging means for judging whether

the event start time is reached, by comparing the received standard time, received by

the time receiving means, with the event start time, indicated by the event start time

information held by the holding means.

Hanai discloses of a system for automatically acquiring a 'standard' time

according to the timer source of a broadcast content provider. A broadcast signal

receiver , such as a satellite broadcast receiver, has an internal clock that controls an

internal or external tuner which receives a plurality of broadcast signals. The tuner is

instructed to tune to a pre-determined broadcast signal which includes time data

indicating a local time. The broadcast signal tuned to is supplied as a tuned output

signal. The time data is extracted from the tuned output signal and the internal clock of

the broadcast signal receiver is automatically set to the local time indicated by the time

data.

Hanai discloses that it is beneficial to synchronize the internal clock of a

recording device with the timer of the broadcasting source for time-delayed operations.

The timer information may be received over the broadcast signal and may be

extracted accordingly. (Hanai - Column 4 Lines 30-40, Column 5 Lines 35-45, Column

6 Lines 45-50) Since the time data is being continuously transmitted in the broadcast

signal, the receiver is thus continuously receiving the 'standard' time from the timer

source. Furthermore Hanai discloses that the system may calculate the difference

between the current time of the internal clock on the receiver and that of the time

indicated on the broadcast signal. (Hanai - Column 7 Lines 1-15)

Jackson disclosed of a system for a recording process which begins when the

programming selection is actually aired, and not necessarily when it was

originally scheduled to begin. Thus, the Jackson invention allows for real-time schedule

changes to occur for both starting time and stopping time, such as a sporting event

which goes into overtime, and ensures the entire program will be recorded (assuming

sufficient tape is available), unlike current recording devices which record only at a specific predetermined start time for a predetermined length. (Jackson – Column 5 Lines 35-40, Lines 60-65, Column 6 Lines 5-15)

Thus the combination of Humpleman and Hanai disclosed the apparatus 1) actively sending requests to acquire the timer source clock and synchronize the device clocks accordingly, (Hanai - Column 4 Lines 30-40, Column 5 Lines 35-45, Column 6 Lines 45-50) ; 2) continuously receiving the 'standard' time according to the timer source ; and 3) calculation means to determine the difference between the local time and standard time. (Hanai - Column 7 Lines 1-15)

The combination of Humpleman, Hanai and Jackson disclosed a judging means for judging whether the event start time is reached, by comparing the received standard time, (Jackson – Column 5 Lines 50-65, Column 6 Lines 10-15) received by the time receiving means, (Hanai - Column 4 Lines 30-40, Column 5 Lines 35-45, Column 6 Lines 45-50) with the event start time, indicated by the event start time information held by the holding means.

Humpleman, Hanai and Jackson are analogous art because they present concepts and practices regarding home entertainment networking and device control, in the context of using broadcast source information for device scheduling. (Humpleman – Column 2 Lines 40-50, Hanai – Column 2 Lines 10-20, Jackson – Column 1 Lines 30-40) It is respectfully suggested that at the time of the invention it would have been

obvious to combine the teachings of Hanai and Jackson into the method and apparatus of Humpleman , such that 1) the devices attached to the home network are able to continuously obtain the time information from broadcast signal sources and 2) synchronize the recording process on the device with the pre-determined broadcast sources, regardless of the internal clock on the recording device and regardless of the original recording start and end time that was programmed into the device. By effecting said combination each device on the home network may acquire a 'standard' time independently from one another and provide accurate time-delay functionality. The suggested motivation for doing so would have been, as Hanai suggests, (Hanai – Column 1 Lines 25-30) to overcome the difficulties in manually and constantly synchronizing the internal clocks on recording devices with the different broadcast signal sources. As Jackson suggests, synchronizing the recording time with the most up-to-date changes in the broadcast schedule ensures that time triggered events occur at the desired programming start and end time. (Jackson – Column 5 Lines 60-65)

The combination of Humpleman, Hanai and Jackson disclosed Claim 3 - The time managing apparatus of claim 1, wherein when the judging means judges that the event start time is reached, (Jackson – Column 5 Lines 60-65, Column 6 Lines 10-15) the instructing means transmits triggers [for the one or more events] to the two or more apparatuses so that the two or more apparatuses start executing the one or more events simultaneously. (Humpleman – Column 10 Lines 50-65, Column 12 Lines 10-25)

The combination of Humpleman, Hanai and Jackson disclosed Claim 4 - The time managing apparatus of claim 1, wherein the presetting information, received by the information receiving means and held by the holding means, further contains, for each event, event type information indicating an event type (Humpleman – Column 7 Lines 60-65) and

when the judging means judges that the event start time is reached, (Jackson – Column 5 Lines 60-65, Column 6 Lines 10-15) the instructing means transmits pieces of event type information (Humpleman – Column 10 Lines 50-65, Column 12 Lines 10-25) which, held by the holding means, corresponds to the one or more events to apparatuses having apparatus identifiers corresponding to the one or more events, so that the apparatuses start executing the one or more events simultaneously.

The combination of Humpleman, Hanai and Jackson disclosed Claim 5 - The time managing apparatus of claim 3 further comprising: a module identifier storage means for storing module identifiers by correlating the module identifiers with at least one of event type information and apparatus identifiers, the module identifiers being received by the information receiving means together with the presetting information, (Humpleman – Column 13 Lines 55-65, Jackson – Column 4 Lines 25-35) wherein

if the information receiving means receives at least one of a piece of event type information and an apparatus identifier together with the presetting information, without receiving a module identifier, the information receiving means searches the module

identifier storage means for a module identifier that correlates with the received piece of

event type information and/or apparatus identifier, and if the information receiving

means finds such a module identifier, the information receiving means allows the found

module identifier to be selected automatically. (Jackson – Column 7 Lines 5-10)

The combination of Humpleman, Hanai and Jackson disclosed Claim 6 - A time

managing apparatus that manages times clocked by a plurality of timer modules in

apparatuses connected to each other on a network, the time managing apparatus

comprising:

a presetting information receiving means (Humpleman – Column 24 Lines 25-

40) for receiving from outside (a) event start time information that indicates an event

start time at which one or more events should be started by two or more apparatuses on

the network, (b) apparatus identifiers of apparatuses that should execute the one or

more events, and (c) a piece of management information that corresponds to the event

start time and is used to manage a time clocked by a timer module;

a holding means for holding the event start time information, (Humpleman –

Column 24 Lines 25-40) apparatus identifier, and piece of management information

received by the presetting information receiving means; a time receiving means (

Humpleman – Column 24 Lines 25-40) for receiving the standard time from the timer

module, requested by the time output requesting, means, to output the standard time;

a time managing means (Humpleman – Column 14 Lines 60-65) for managing

the received standard time, received by the time receiving means, by storing the

standard time together with the piece of management information held by the holding

means, in correspondence with the timer module; a presetting information transmitting

means for transmitting, (Humpleman – Column 24 Lines 25-40, Column 10 Lines 50-

65, Column 12 Lines 10-25)   the event start time information and the piece of

management information held by the holding means, to the apparatuses that are

identified by the apparatus identifiers held by the holding means; and

a time output requesting means for requesting the timer module corresponding to

the piece of management information held by the holding means to output a standard

time; (Hanai - Column 4 Lines 30-40, Column 5 Lines 35-45, Column 6 Lines 45-50)

a standard time acquisition request receiving means for receiving a standard time

acquisition request together with a piece of management information from each of the

apparatuses; (Hanai - Column 4 Lines 30-40, Column 5 Lines 35-45, Column 6 Lines

45-50) and a standard time transmitting means for transmitting to each of the

apparatuses, (Hanai - Column 4 Lines 30-40, Column 5 Lines 35-45, Column 6 Lines

45-50) a standard time that is identified by the piece of management information

attached to the standard time acquisition request received by the standard time

acquisition request receiving means.

The combination of Humpleman, Hanai and Jackson disclosed Claim 7 - The

time managing apparatus of claim 6, wherein the presetting information receiving

means further receives event type information indicating an event type for each of the

one or more events, (Humpleman – Column 16 Lines 15-25, Column 18 Lines 35-40)

the holding means further holds the event information received by the presetting

information receiving means, (Humpleman – Column 18 Lines 40-60, Column 19 Lines

15-40) and

the presetting information transmitting means further transmits the event type

information held by the holding means. (Humpleman – Column 18 Lines 40-60, Column

19 Lines 15-40)

wherein the time receiving means receives a standard time from a timer module

corresponding to the received piece of management information, (Hanai - Column 4

Lines 30-40, Column 5 Lines 35-45, Column 6 Lines 45-50) the standard time

acquisition request receiving means receives a standard time acquisition request (Hanai

- Column 4 Lines 30-40, Column 5 Lines 35-45, Column 6 Lines 45-50) and a piece of

management information attached to the standard time acquisition request, from each

of the apparatuses, and the standard time transmitting means transmits, (Hanai -

Column 4 Lines 30-40, Column 5 Lines 35-45, Column 6 Lines 45-50) to each of the

apparatuses, the standard time received from the timer module corresponding to the

received piece of management information.

The combination of Humpleman, Hanai and Jackson disclosed Claim 9 - The

time managing apparatus of claim 7 further comprising:

a management information storage means (Humpleman – Column 16 Lines 15-

25, Column 18 Lines 35-40) for storing the piece of management information received

by the presetting information receiving means, by correlating the piece of management

information with at least one of a piece of event type information and two or more

apparatus identifiers, wherein if the presetting information receiving means receives at

least one of a piece of event type information and an apparatus identifier, without

receiving management information, the presetting information receiving means

searches the management information storage means for a piece of management

information that correlates with the received piece of event type information and/or

apparatus identifier, and if the presetting information receiving means finds such a piece

of management information, the presetting information receiving means allows the

found piece of management information to be selected automatically. (Humpleman –

Column 13 Lines 55-65, Jackson – Column 4 Lines 25-35, Column 7 Lines 5-10)

With respect to Claims 10-14, the Applicant describes an apparatus with

substantially the same limitations as described in Claim 1-9. Claims 10-14 are rejected

on the same basis as Claims 1-9.

With respect to Claims 15-20, the Applicant describes a method for the

apparatus with substantially the limitations as described in Claim 1-9. Claims 15-20 are

rejected on the same basis as Claims 1-9.

With respect to Claims 27-32, the Applicant describes a machine readable

medium for the apparatus with substantially the limitations as described in Claim 1-9.

Claims 27-32 are rejected on the same basis as Claims 1-9.

Response to Arguments

Applicant's arguments filed 07/05/2005 have been fully considered but they are

not persuasive.

The Applicant presents the following argument(s) [in italics]:

Where Humpleman allows a plurality of devices to operate in coordination with

each other by instructing each device to perform a different operation for a current

proceeding event, the invention as set forth in claim 1 performs the following steps for

each event: request a specified timer module to transmit a standard time and upon

receipt of the standard time, and based on the received standard time, instruct the

specified devices to start executing the events when the event start time is reached.

This is clearly different from the Humpleman system, both in structure and in process.

The Examiner respectfully disagrees with the Applicant. While Humpleman does

not disclose requesting the standard time, Hanai disclosed a system for acquiring said

standard time. Humpleman disclosed each controlled device having its own interfaces

for acquiring control signals, (Humpleman Column 24 Lines 20-40) including time-

delayed recording operations based on EPG schedule (Electronic Program Guide)

(Humpleman – Column 13 Lines 55-65) and/or direct channel tune information and flow

control. Each controlled device may be programmed to act independently of each

other. Thus the combination of Humpleman, Hanai and Jackson are similar in structure

and process to the claimed invention.

The Applicant presents the following argument(s) [in italics]:

Both Hanoi and Humpleman require their plurality of devices to adjust the time

automatically at various occasions, in advance, so that these devices can operate with

the same timing for a certain event. The invention as,set forth in Claim 1, on the other

hand, does not require the plurality of devices to adjust the time. When there is an event

to be started at a specified time, a device acquires a standard time from a specified

module and starts the event based on the acquired standard time. Thus, the event is

performed at the same timing as the other devices. The invention as set forth in claim 1

directly adjusts the operation timing for each event directly. This is clearly different from

the: teaching of Hanai and Humpleman.

The Examiner respectfully disagrees with the Applicant. The Examiner notes

that the claims do not include any limitation stating that the devices acquiring the

standard time are prevented from adjust the internal clock on the device. Claim 6 even

describes 'a time managing means for managing the received standard time ... by

storing the standard time together with the piece of management information held by the

holding means'. The said limitation in Claim 6 would naturally lead a person of ordinary

skill to conclude that the standard time would be used to adjust the internal clock on the

device. Nevertheless the combination of Humpleman, Hanai and Jackson allow the

devices to retain their internal clock settings, while requesting a standard time and

performing operations according to said received standard time. (Jackson – Column 5

Lines 60-65)

The Applicant presents the following argument(s) [in italics]:

Moreover, the invention as set forth in claim 1 is constructed so that it is possible

to specify for each event a different device from which a standard time is acquired. This

feature allows a plurality of events that are required to be performed in coordination with

each other to be performed with the same timing, by specifying the same standard time

acquisition modules in advance. This feature also enables different standard time

acquisition modules to be specified in connection with events that are not required to be

performed in coordination with each other. Also, even if the devices are located in

different areas with different local times, there is no need to consider the difference

between the local devices.

As stated previously, each device may be programmed to act independently of

one another. As each device is able to record from a different broadcast source, the

combination of Humpleman, Hanai and Jackson allow each device to specify different

standard time sources. (Jackson – Column 5 Lines 5-10)

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Please refer to the enclosed PTO-892 form.

US 5949492 A Mankovitz; Roy J. – method for obtaining broadcast programming information

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.
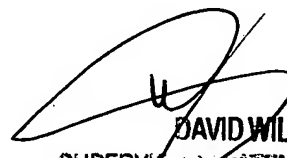
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Greg Bengzon whose telephone number is (571) 272-3944. The examiner can normally be reached on Mon. thru Fri. 8 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, David Wiley can be reached on (571)272-3923. The fax phone number for

the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

/gcb

DAVID WILEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100